

REMARKS

Claims 1, 2, 4-15, 41, 42 and 44-57 remain in the application for further consideration on the merits. Of thee claims, claims 1 and 41 have been amended. Also, new dependent claims 58-73 are presented herein for consideration. Hence, claims 1, 2, 4-15, 41, 42, and 44-73 are now in the application for consideration on the merits.

Claims 1, 4-7, 9-11, 15, 41, 44-47, 49-51 and 55-57 stand rejected under 35 U.S.C. 102(e) as being anticipated by Langberg et al., U.S. Patent No. 6,402,781. Claims 1, 2, 4-11, 13, 14, 41, 42, 44-51, 53, 54, 56 and 57 stand rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al., USPAP 2002/1083835.

Claims 2, 8, 12, 42, 48, and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Langberg et al. in view of de Toledo et al., U.S. Patent No. 4,830,023. Lastly, claims 12 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of de Toledo et al.

For the reasons to follow, it is respectfully submitted that all pending claims are allowable over the prior art of record. Such favorable consideration is respectfully requested.

The rejections of claims 56 and 57 are respectfully traversed. The rejections of claims 1 and 41 are deemed to be overcome by the amendments made herein.

Each of these claims defines a device or an assembly including a device for mitral valve annulus therapy which is resilient. The resiliency of the device is a significant feature in that it permits the device to be fed down a guide wire in a deformed state and then, after release from the guide wire, revert to an unstressed stable state to provide mitral valve annulus therapy. None of the newly cited art of record shows, describes, or even suggests such structure and function. The Langberg et al. device is not resilient as claimed and only changes shape after the forming element is pulled and secured. The Taylor et al. device is rigid having no resilient properties.

Hence, it is respectfully submitted that the art of record fails to provide a mitral valve annulus device having both resiliency and structure for being guided by a guide wire as claimed. Hence, claims 1, 41, 56 and 57 are all considered allowable. Such favorable action is respectfully urged.

For the same reasons, dependent claims 2, 4-15, 42, and 44-73 are likewise considered to be in condition for allowance. Each of these claims further limits its corresponding base claim. Allowance of the dependent claims is therefore also respectfully urged.

CONCLUSION

It is respectfully submitted that all pending claims are in condition for allowance. Such favorable action is earnestly solicited.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, she is respectfully requested to contact the Applicants' attorney, Richard O. Gray, Jr., at (425) 455-5575.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



Richard O. Gray, Jr.
Attorney for Applicant
Registration No. 26,550
155 - 108th Avenue NE, Ste. 350
Bellevue, WA 98004
(425) 455-5575